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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,467	01/13/2000	Dale R Danner	R087 1100	8441

7590 03/12/2002

D Scott Sudderth Esq  
Womble Carlyle Sandridge & Rice PLLC  
1201 West Peachtree Street NE Suite 3500  
Atlanta, GA 30309

EXAMINER

JOHNSON, STEPHEN

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 03/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application N .</b> <b>09/483,467</b>	<b>Applicant(s)</b> <b>DANNER, DALE R</b>
	<b>Examiner</b> <b>Stephen M. Johnson</b>	<b>Art Unit</b> <b>3641</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  
 - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 30 October 2001.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-9, 11-35, 37-43, 45-61, 64-69, 73-75, 85-87, 89 and 90 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1, 7-9, 11-35, 37-41, 43, 45-59 and 75 is/are allowed.

6) Claim(s) 2-6, 42, 60, 61, 64-69, 73, 74, 85-87, 89 and 90 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 31 October 2001 is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

Art Unit: 3641

1. The proposed drawing corrections to figs. 4A and 8A (amended) are approved and overcome the objections to the drawings made in the previous Office action. The proposed drawing corrections to figs. 4 and 8 have not been approved because the original drawings from which a reissue application is filed cannot be amended.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP 608.01(o). Correction of the following is required: Language in claim 33 directed to “power emanating from the voltage supply means in excess of a predetermined level”.

3. Claims 2-6 and 87 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, line 5, how is the term “a movable firing pin assembly” intended to relate to the previously claimed “firing pin” (see claim 1, line 8)? In claim 3, line 6, how is the term “a firing pin” intended to relate to the previously claimed “firing pin” (see claim 1, line 8)? In claim 3, lines 7-8, how is the term “a firing pin spring” intended to relate to the previously claimed “firing pin spring” (see claim 2, line 6)? In claim 3, lines 20-21, how is the term “a trigger assembly” intended to relate to the previously claimed “a trigger assembly” (see claim 1, line 8)? In claim 3, lines 24-25, the phrase “the bolt plug detent” lacks an antecedent.

In claim 87, the phrase “a voltage increasing means” should be claimed as ‘said voltage increasing means’ if the previously claimed voltage increasing means (see claim 86) is intended.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

Art Unit: 3641

pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not understood as to how the claimed structure "the firing plug is a threaded firing pin adjustment screw adapted to fit into a threaded aperture in the rear end of the bolt plug" to form a functional device. Perhaps the term "bolt plug" is intended to be 'a forward portion of the firing pin assembly' (see fig. 8 for one example).

6. Claims 42, 60-61, 64-69, 73-74, 85-87, and 89-90 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim language directed to "monitoring the capacity of the voltage supply means" (claim 42); "failure of any electronically controlled and operated components of the firearm" (claim 60); "failure of any electronically controlled and operated components of the firearm (claim 73); "failure of any electronically controlled and operated components of the firearm" (claim 85); are **unsupported by the application as originally filed.**

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 73-74 are rejected under 35 U.S.C. 102(b) as being anticipated by Harthcock.

Harthcock discloses a firearm and method for firing comprising:

- a) monitoring a sequence of operations with a system control, col. 5, lines 36-42
- b) sending a signal to the system control upon activation of a trigger, col. 6, lines 57-59
- c) isolating and preventing the firing pin from receiving power, col. 5, lines 36-48, col. 7, lines 3-10
- d) a selected condition being insufficient energy to initiate firing a round or voltage below a predetermined level, col. 5, lines 36-37
- e) transmitting power to the firing pin from the voltage source and applying power to the round of ammunition. 43-54

9. Claims 1, 7-9, 11-35, 37-41, 43, 45-59, and 75 are allowed.

10. Claims 2-6 and 42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. Claims 60-61, 64-69, 85-87, and 89-90 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).  
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

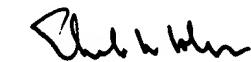
Art Unit: 3641

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 703-306-4158. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.



STEPHEN M. JOHNSON  
PRIMARY EXAMINER

SMJ

March 8, 2002

Stephen M. Johnson  
Primary Examiner  
Art Unit 3641